

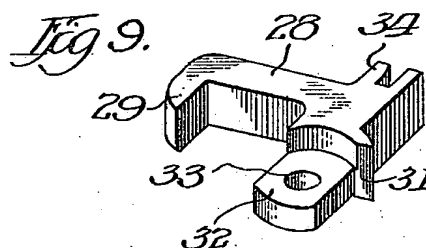
REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 5-7, 9, 11-12, 14 and 16-27 remain in the application. Claims 1-4, 8, 10, 13 and 15 have been cancelled. Claims 7, 9, 12, 16-19 and 24-27 have been allowed. Claims 6 and 22 have been indicated to include allowable subject matter. The allowed claims and claims indicated as including allowable subject matter will not be discussed further in this Amendment.

Claims 5, 11 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 1,143,653 to Smith (hereinafter Smith) in view of U.S. Patent 6,174,003 to Smart (hereinafter Smart). For the following reasons, the Examiner's rejection is traversed.

Smith (Figs. 3 and 9 reproduced below) teaches a sliding door lock having a pair of latches 28 that engage a keeper 17. The latches 28 are displaced by moving a spring-loaded operating yoke 36 having a pair of ends 35 that engage the latches 28. The latches have a first end that is pivotally secured to a housing, and a second latching end that is adapted to extend around the keeper. The yoke 36 engages grooved shoulders 34 of the latches at a location intermediate the first and second ends of the latches.



Page 12 of 17

Even if the references were combined in the manner proposed by the Examiner, the present invention would not result. Further modification of the combination would be required to arrive at the claimed invention.

The proposed combination does not teach or suggest a first pivot pin extending through the elongated body portion of a first latch arm wherein the elongated body portion extends between a first actuated end and a second latching end of the latch arm, as required. Similarly, the proposed combination does not teach or suggest a second pivot pin extending through the elongated body portion of a second latch arm wherein the elongated body portion extends between a first actuated end and a second latching end of the latch arm.

Rather, Smith discloses a single pivot stud about which a pair of latches 28 are pivotally mounted. The latches are mounted to the stud at a first end that is opposite the second, latching end. The latches are actuated at a grooved shoulder 34, that is intermediate the first and second ends of the latch. Within this configuration, the pivot stud is not located between an actuated end and a latching end of the latch and, thus, Smith does not teach the features of claim 5. Smart does nothing to remedy the deficiencies of the Smith reference. Smart discloses two jaw portions 18 and 19 each having a latching end *that is also* an actuating end. The jaws are actuated (forced open) upon contact with a keeper element. Smart discloses pivot pins that pass through the latches at ends opposite the latching/actuating end, not between a latching and actuating end. As a result, neither Smith, nor Smart, nor a combination thereof teach or suggest the invention of claim 5, specifically the feature of a pivot pin that extends through an elongate body portion that extends between a first actuated end and a second latching end of

a latch arm.

Claims 11 depends directly from independent claim 5 which is allowable for the reasons stated above.

Regarding claim 23, even if the references were combined in the manner proposed by the examiner, the present invention would not result. The combination does not teach or suggest a latch actuator that is slidably secured to the latch housing at a location relatively between first and second latch arms. Rather, Smith teaches a latch actuator that is slidably secured to a casing by being placed inside a box having inner dimensions slightly larger than the outer dimensions of the latch actuator. The walls of the box securing the latch actuator are outside of the area between the first and second latch arms, not between the latch arms, as required. Smart does nothing to cure the deficiencies of Smith. Smart does not teach or suggest a type of latch actuator that is slidably secured to a latch housing. Rather, the latch actuator of Smart is just the keeper element that is affixed to the opposite side of the door or window from the latch housing. Thus, further modification of the combination would be required to provide a latch actuator that is slidably secured to the latch housing at a location relatively between first and second latch arms.

In view of the comments above, reconsideration and withdrawal of the rejection of claims 5, 11 and 23 over the combination of Smith and Smart is respectfully requested.

Claims 5, 11, 20 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S Patent 621,574 to Kinsey (hereinafter Kinsey) in view of Smart. For the following reasons, the Examiner's rejection is traversed.

Kinsey discloses a latch for boxes and the like that includes a latch

mechanism with two tumblers *b, b'*. A knob *c* slides between a first position of full engagement with the tumblers *b, b'* and a second position of just minimal contact with the ends of the tumblers *b, b'*. When there is only minimal contact between the tumblers *b, b'* and knob *c*, the tumblers *b, b'* are held in a position ready to receive entry of a latch bar *a*. As the latch bar *a* enters the space between the tumblers *b, b'*, the latch bar *a* contacts a surface on the tumblers *b, b'*, in turn causing the tumblers *b, b'* to close together at an end opposite the knob *c* and trap the latch bar *a* therein. Once the latch bar *a* is fully seated against the tumblers *b, b'*, the knob *c* is biased into full engagement with the tumblers *b, b'* and locks the tumblers *b, b'* in a position clasping the latch bar *a*.

Even if the references were combined in the manner proposed by the Examiner, the present invention would not result. Further modification of the combination would be required to arrive at the claimed invention. The proposed combination does not teach or suggest:

a latch actuator, said latch actuator being movable relative to said latch housing and into engagement with the actuated ends of said first and second latch arms so as to pivot said latching ends of said first and second latch arms out of engagement with said catch housing and thereby permit said sliding window to be slidably moved away from said fixed member, said latch actuator being slidably secured to said latch housing and movable relatively toward and away from said catch housing (emphasis added).

Rather, Kinsey teaches a latch actuator that is moved *out of full engagement* with the latch arms, thus, allowing the latch arms to release a latch bar from a locked position. In Kinsey, the latch bar forces the latch arms into a locking position, and when the latch arms are fully engaged with the latch bar, the latch arms are locked in a position of engagement with the latch bar by the latch actuator. Upon movement of the latch actuator out of full engagement with the latch arms, there is

not action that pivots the latching ends of the latch arms out of engagement with the latch bar. Actual movement of the latch bar is required to pivot the latch arms. Smart does nothing to cure the deficiencies of Kinsey. As previously stated, the latch actuator of Smart is simply the keeper (latch bar) of Smart. The keeper of Smart operates in the same manner as the latch bar of Kinsey. Thus, further modification of the combination of Kinsey and Smart would be required to teach a latch actuator being movable relative to said latch housing and into engagement with the actuated ends of said first and second latch arms so as to pivot said latching ends of said first and second latch arms out of engagement with said catch housing.

Claims 11, 20 and 23 depend directly from independent claim 5 which is allowable for the reasons stated above.

In view of the comments above, reconsideration and withdrawal of the rejection of claims 5, 11, 20 and 23 over the combination of Kinsey and Smart is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. HRA-14955.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By 
James A. Balazs, Reg. No. 47401

4080 Erie Street
Willoughby, Ohio 44094-7836
(216) 566-9700